

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,148	FRIGOLI ET AL.	
	Examiner Geraldina Visconti	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to papers filed 12/27/04 and 2/1/05.
2.  The allowed claim(s) is/are 10-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 2/1/05
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



GERALDINA VISCONTI  
PRIMARY EXAMINER

This office action is responsive to the papers filed 27 December 2004 and 1 February 2005. Claims 1-9 have been canceled. Claims 10-20 are pending and presently under consideration in this application.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

While the prior art of record would anticipate or make obvious the photochromic material and corresponding use thereof in either a liquid crystal mixture or an electro-optical device, wherein said photochromic material contains some of the features, i.e., specific substituents, as claimed by applicants, namely the diarylethene moiety, said art does NOT, in fact, disclose, teach or suggest the material of claims 11-13 or the corresponding use thereof of said material in any one of the liquid crystal mixture of claim 14 or electro-optical device of claims 15-20 wherein the photochromic material contains a substituent represented by the instant formula (II) characterized by comprising a mesogenic group attached via a substituent represented by "Y-Q", wherein Q is selected from  $(CH_2)_n$  or  $(CH_2)_m[Si(L)_2-O]_q-Si(L)_2-(CH_2)_p$ . Applicants have demonstrated in the examples herein the specification that the use of said material containing said substituent of formula (II), in either a liquid crystal mixture and/or electro-optical device, results in improved results, particularly with respect to optical stability, energy density, read/write cycles, etc., as compared to the use of comparative materials which do NOT have the substituent of formula (II). The claimed invention is patentably distinct from the closest prior art of record, by the presence in said material

of the substituent represented by formula (II) characterized by comprising a mesogenic group attached via a substituent represented by "Y-Q" , wherein Q is selected from  $(CH_2)_n$  or  $(CH_2)_m[Si(L)_2-O]_q-Si(L)_2-(CH_2)_p$  .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 10-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geraldina Visconti whose telephone number is (571) 272-1334. The examiner can normally be reached 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571) 272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



GERALDINA VISCONTI  
PRIMARY EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.